



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CA 92132-5190

N00236.002526
ALAMEDA POINT
SSIC NO. 5090.3

5090
Ser 06CA.JS/0441
April 21, 2004

Ms. Marcia Liao
Project Manager
State of California Environmental Protection Agency
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, CA 94710

Dear Ms. Liao:

Subj: IDENTIFICATION OF STATE "APPLICABLE" OR "RELEVANT AND APPROPRIATE" REQUIREMENTS (ARARS) FOR INSTALLATION RESTORATION SITE 28 AT ALAMEDA POINT, ALAMEDA, CALIFORNIA

Pursuant to previous discussions and to accomplish the goals of Alameda Point, Installation Restoration (IR) Program, the Department of the Navy (DON) is hereby requesting that the Department of Toxic Substances Control (DTSC) identify potential State chemical-specific, action specific, and location specific ARARs for IR Site 28. Information on this site can be found in the draft *Remedial Investigation Report, IR Site 28, Todd Shipyards, of February 2004*.

In addition, the DON is requesting that the State of California (State) identify any other criteria, advisories, guidance, and proposed standards that the State requests be considered (TBCs) for the above identified site. Please coordinate responses from all California state agencies.

Timely identification of potential State ARARs is required under Section 121(d)(2)(A) of CERCLA and under the National Contingency Plan (NCP), 40 CFR 300.400(g) and 300.515(d) & (h). Experience to date around the country has shown that a failure to identify ARARs with sufficient precision, early in the process, can cause severe disruptions in timely implementation of remedial action.

To ensure timely and complete ARARs identification, please include the following information:

1. A specific citation to the statutory or regulatory provision(s) for the potential State ARAR and the date of enactment or promulgation.
2. A brief description of why the State ARAR is applicable or relevant and appropriate to the particular IR Site.
3. A description of how the potential State ARAR would apply to potential remedial action including: specific numeric discharge, effluent, or emission limitations; hazardous substance/constituent action or clean up levels; etc., if the State intends to take the position that the potential State ARAR includes such limitations, levels, etc.

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4. If the State believes its proposed ARAR is more stringent than the corresponding Federal ARAR, please provide the rationale and technical justification for this position.

5. If the State determines that there is not enough information to fully respond to our request, please identify any additional information that would be required to support identification of State ARARs and their application.

Consistent with 40 CFR 300.515(h)(2), the Navy is requesting that your response be sent via first class mail addressed to Ms. Jennifer Stewart, the Navy Remedial Project Manager, and postmarked within 30 calendar days of receipt of this request.

If you have any technical questions concerning this request, please contact me at jennifer.stewart@navy.mil. For any legal questions, please call Mr. Rex Callaway, Environmental Counsel at (619) 532-0988.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Stewart", written in a cursive style.

JENNIFER STEWART
Remedial Project Manager
By direction of the Commander